

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP, *et*
al.,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity
as Chair of the North Carolina State
Board of Elections, *et al.*,

Defendants,

and

PHILLIP E. BERGER, in his official
capacity as President Pro Tempore of the
Senate, *et. al.*,

Legislative Defendants-Intervenors.

No. 1:18-cv-01034

**NOTICE OF PARTIES' RESOLUTION OF DISCOVERY DISPUTE AND
WITHDRAWAL OF MOTION FOR SUPPLEMENTAL DISCLOSURES FROM
STATE BOARD DEFENDANTS**

Plaintiffs North Carolina State Conference of the NAACP, Chapel Hill-Carrboro NAACP, Greensboro NAACP, High Point NAACP, Moore County NAACP, Stokes County Branch of the NAACP, and Winston-Salem Forsyth County NAACP ("Plaintiffs") file this Notice of Parties' Resolution of Discovery Dispute and Withdrawal of Motion for Supplemental Disclosures from State Board Defendants.

On February 27, 2024, this Court held a hearing at which Plaintiffs made an oral motion that the Court order the State Board Defendants to supplement their Initial Disclosures in this case to reflect supplemental information and documents that they possess regarding implementation of the photo voter ID law (S.B. 824) at issue in this case. *See* ECF. No. 228 (Order from Judge Biggs ordering that “to the extent that State Board Defendants may have a duty to supplement their disclosures, this Court will refer the matter back to the Magistrate Judge to determine the nature and scope of such potential duty”); Feb. 18, 2024 Text Order (setting the February 27 hearing on this matter). At the conclusion of the February 27 hearing, this Court asked Counsel for Plaintiffs and State Board Defendants to file supplemental briefing regarding the Court’s authority to order such a production pursuant to Fed. R. Civ. P. 26(e)(1)(b). Feb. 27, 2024 Minute Entry for proceedings held before Mag. Judge L. Patrick Auld (“Plaintiffs’ Counsel allowed to file their briefing by 3/5/24, with responses due by 3/8/24, no more than 10 pages and limited to E1b issue”).

On March 1, 2024, all Parties engaged in a meet and confer about this topic, and discussed additional public documents the State Board recently placed on its website, which include the categories of documents Plaintiffs were seeking as part of their motion. On March 4, 2024, State Board Defendants served Corrected Supplemental Disclosures, which state that the implementation documents that they “may use to support their defenses in this case” are only the “Public records concerning the implementation efforts of the S.B. 824’s voter photographic ID requirement by the North Carolina State Board of Elections

as found on the North Carolina State Board of Elections' website.”¹ On March 5, 2024, Plaintiffs and State Board Defendants engaged in a second meet and confer about this topic.

In reliance on these conferences, the Corrected Supplemental Disclosures, additional public records recently placed on the State Board website, and representations made by counsel for State Board Defendants, Plaintiffs hereby withdraw their motion to request that the State Board Defendants supplement their disclosures.

Respectfully submitted this 5th day of March 2024.

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FORWARD JUSTICE

¹ The Corrected Supplemental Disclosures list the location of these documents as the North Carolina State Board of Elections' website, <https://www.ncsbe.gov/index.html>, and the State Board's public FTP website, <https://dl.ncsbe.gov/index.html?prefix=Voter%20ID/>.

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CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such to all counsel of record in this matter.

This, the 5th day of March 2024.

/s/ Kathleen E. Roblez
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CERTIFICATE OF WORD COUNT

The undersigned counsel hereby certifies that pursuant to Local Rule 7.3(d)(1), the foregoing has a word count of less than 6,250 words not including the caption, signature block and certification of word count. This document was prepared in Microsoft Word, from which the word count is generated.

Dated this 5th day of March 2024.

/s/ Kathleen E. Roblez
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